

Applicant(s): P. Bonutti
Application No.: 10/007,360
Examiner: E. Robert

Remarks

Claims 1, 5-7, 16, 22, 28, 29, 46-51, 64, 65, 69, 74, 75, 77- 84, 86, 87, 101-108, 116, 117, 119, 129-135, 138, and 139 are pending in the application and are presented for the Examiner's review and consideration. In this Response, claims 74 and 77 have been amended and claims 76 and 120-128 have been cancelled. Applicant believes the claim amendment, cancellations, and accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Allowable Subject Matter

Initially, Applicant acknowledges with appreciation the indication that claims 1, 5-7, 16, 46-51, 64, 65, 129-135, and 138 are allowed.

Objected To Subject Matter

The Detailed Action in the Final Office Action erroneously indicated that claims 75 and 76 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. In a telephone conversation with the Examiner, the Examiner informed Applicant's representative that this was a typographic error and should have indicated claims 76 and 77 as being objected to. Accordingly, Applicant has amended claim 74 to include all of the elements of claim 76. Applicant has also amended claim 77 as required by the Examiner.

In light of the foregoing, independent claims 74 and 77 are respectfully submitted to be in condition for allowance. As claims 75 and 78 depend from claim 74, these dependent claims necessarily include all the elements of their respective base claim. Accordingly, Applicant respectfully submits that the dependent claims are allowable at least for the same reasons.

Withdrawn Claims

As noted above, claims 1, 46, and 74 are in condition of allowances. Claims 22, 28, 29,

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101-108, 116, 117, and 119 depend from claim 1, claim 69 depends from claim 46, and claims 79-87 depend from claim 74, and have been withdrawn from consideration. In view of the condition of allowance of claims 1, 46, and 74, Applicant respectfully requests reconsideration of the withdrawal of these claims.

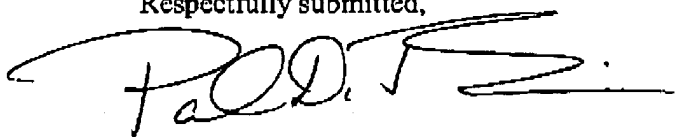
Additionally, in the Response to Office Action dated April 19, 2004, Applicant had added new claim 139, which ultimately depended from claim 46. However, claim 139 was not listed as a pending claim in the Final Office Action. Accordingly, Applicant requests entry of claim 139 into the application and further submits that claim 139 is in condition of allowance.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due for this submission. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 780-A02-032-1).

Respectfully submitted,



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